

REMARKS

The Office Action mailed 17 March 2005, has been received and its contents carefully noted. The pending claims, claims 1-48, were rejected. Summarizing the claim amendments made herein:

Claims 2, 4, 5, 8, 15, 16, 21, 22, 28, 29, 38, 42-44, 46 and 47 are cancelled claims.

The following claims have been rewritten in independent fashion based on the following breakdown:

1'=1+4+5

6'=1+3+6

17'=1+15+16+17

23'=23+28+29

31'=31+44

34'=34+38

45'=45+46

Rejection under 35 U.S.C. 112, first paragraph

The Examiner rejected the claims under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In view of the cancellation of claim 47 this rejection is rendered non-applicable.

Rejection under the prior art

A review of the rejections rendered against the claims as currently rewritten in independent form as summarized above reveals the following:

- (A) Claim 5 (now rewritten as independent claim 1) was rejected as being considered obvious based on Bonaddio in view of Veilleux.
- (B) Claim 6 (now independent claim 6) was rejected as being considered obvious based on Bonaddio in view of Schaefer and further in view of Veilleux.
- (C) Claims 17, 23, 31 and 34 (now each independent claims) was rejected as being considered obvious based on Bonaddio in view of Veilleux and further in view of Davidson.
- (D) Claim 46 as being considered anticipated by Bonaddio et al.

Each of rejections A to D above is respectfully traversed.

Considering rejection A, current claim 1 (representing rejected claim 5 rewritten) of the present application references a pillow which is a monolithic pillow of visco-elastic foam in combination with the other features of amended claim 1. In a review of Benaddido, there can be seen a convoluted wrapping about a central core, which is wrapped around and then secured at its abutting free ends. Reference is made to US Pats. 5534208 and 5688538 (of the same assignee as that of the relied upon design patent) which illustrate the convoluted roller of a foam sheet manner of manufacture for the wrap around material. Accordingly, the design of Benaddido relies on a non-monolithic embodiment with a teaching of providing a core material used in combination with the easily continuously manufactured wrap around covering.

The Veilleux reference features a body of visco material that is wrapped around a supporting core in the form of a bladder pump. This is consistent with the notion in the prior art that, while visco elastic material is good at conforming to a contacting body, it often requires additional core backing support in view of its inability to readily push back against a compressing object.

The present invention illustrated by amended claim 1 provides a monolithic visco elastic foam body with a configuration and grouping which provides a projection (coil-like) bounce back in different groupings and with a configured base body that provides for the high comfort of visco elastic foam while alleviating the lack of bounce back ability associated with visco foam. Moreover, the utilization in Bonaddio of a wrap around teaches away from a monolithic embodiment as set out in the current claim 1.

Considering rejection B relative to former dependent claim 6, this claim references a pillow formed entirely of visco-elastic foam. There is lacking a discussion in Bonaddio as to the type of foam and there is further lacking a pillow formed entirely of visco-elastic foam in Veilleux (the pillow is 10 in that reference while the main body portion of the pillow is referenced 11 and is not the entire pillow). In addition, there is lacking a teaching of providing an entirely visco foam pillow with the noted different support characteristic groupings as set out in claim 6.

In rejection (C), the noted claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonaddio et al. in view of Schaefer et al. and Davidson Jr. Specifically, it is set out in the Office Action that the continuous band 32 of Davidson Jr. is the same as the ridge extensions of the present invention as claimed. Thus, it is asserted in the Office Action that it would have been obvious to include the continuous band 32 of Davidson Jr. with Bonaddio et al. and Schaefer et al. to obtain a pillow with ridge extensions.

As noted above, Bonaddio features a wrap around layer that is formed of a common projection pattern over its entire length. This arrangement in Bonaddio avoids having to align or adjust any edging when the free ends of the wrap around are bonded together as shown in the Figures. To attempt to include a ridge extension in the pattern would present an alignment problem and would have been avoided by one of ordinary skill in the art. Further, the side projections forming part of the intermediate base material 32 in Davidson are merely remnants of a cut off of one pillow from a larger pillow pattern source, with the cut being at a mid-point of a groove between the projection so as to leave the noted remnant. Accordingly, whether considering Bonaddio or Shaeffer and their relative designs, one of ordinary skill in the art would not be induced to add the side remnant featured in Davidson which is not designed for object contact (e.g., neck contact as set forth in one of the claims).

A similar statement can be said relative to claim 23, 31 and 34 as to the lack of teaching and motivation to alter the base references to include the remnant piece left over in Davidson.

Therefore, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to combine the teachings of the prior art to obtain a pillow comprising a foam main body, at least one ridge extension and a plurality of foam projections. Thus, each applied rejection under 35 U.S.C. 103(a) should properly be withdrawn.

As to rejection D relative to claim 46 (now incorporated into independent claim 45), the standard prior art usage of projections like those shown in each of Bonddao, Schaeffer and Davidson is to provide a person contact surface that when compressed in use retains a “squashed” portion of the projection above the base. This provides for added air circulation and greater independence and bridging shear avoidance relative to the individual support projections. Claim 45 presents a different approach relative to the noted projection groupings wherein the coil like projections are designed to compress completely into the base material and thus disappear from view when, for example, a person’s head compresses fully on the projections. They still

provide an added degree of support but in an “at the base level” arrangement, which is not shown or taught in the prior art. In other words, it is respectfully submitted that a prime facie case of obviousness is not established by the mere reference to a pillow with projections and the configuration is not merely a range parameter but a structural relationship feature of the claimed structure.

Request for Interview

Applicants respectfully request either a telephonic or an in-person interview should there be any remaining issues.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **032161.066**.

Respectfully submitted,

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